



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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SEPTEMBER –DECEMBER 2021

FACULTY OF LAW

REGULAR PROGRAMME

DCLS 060: CONSTITUTIONAL PRINCIPLES & LEGAL METHODS

Date: DECEMBER 2021

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any TWO Questions

Q1. A Constitution has been defined by Prof. Kanyeihamba as 'A systemized, codified and orderly set of core rules.'

- a) Using relevant case law, discuss the concept of Constitutionalism and its importance. **(10 marks)**
- b) List the features of a good constitution and critically discuss whether Kenya has a good Constitution. **(20 marks)**

Q2.

- a) By way of example, explain the difference between a written and an unwritten Constitution. **(10 marks)**
- b) Give advantages and disadvantages of each of the above Constitutions. **(10 marks)**

Q3. Define what a democracy is and critically discuss the difference between a representative democracy and a direct democracy. **(20 marks)**

Q4. Prof. Dicey in his book 'The Law and the Constitution' identifies three distinct concepts on the rule of law. According to Dicey, the rule of law prevails where 'no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of the law ...'. Based on Dicey's exposition, discuss the three principles on the rule of law.

(20 marks)

Q5. Discuss the concept of separation of powers and how it has played a role in defining the roles and responsibilities of the three arms of government in Kenya.

(20 marks)

DTE DEC 2021

END